

Calendar No. 237

105TH CONGRESS }
1st Session

SENATE

{ REPORT
105-124

**UNITED STATES FIRE ADMINISTRATION
AUTHORIZATION ACT FOR FISCAL YEARS
1998 AND 1999**

R E P O R T

OF THE

COMMITTEE ON COMMERCE, SCIENCE, AND
TRANSPORTATION

ON

S. 1231



OCTOBER 30, 1997.—Ordered to be printed

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WASHINGTON : 1997

SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED FIFTH CONGRESS

FIRST SESSION

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{ REPORT
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UNITED STATES FIRE ADMINISTRATION AUTHORIZATION ACT FOR FISCAL YEARS 1998 AND 1999

OCTOBER 30, 1997.—Ordered to be printed

Mr. MCCAIN, from the Committee on Commerce, Science, and
Transportation, submitted the following

REPORT

[To accompany S. 1231]

The Committee on Commerce, Science, and Transportation, to which was referred the bill (S. 1231) “A Bill to authorize appropriations for fiscal years 1998 and 1999 for the United States Fire Administration, and for other purposes”, having considered the same, reports favorably thereon without an amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to authorize appropriations to the U.S. Fire Administration (USFA) of the Federal Emergency Management Agency (FEMA) for each of the fiscal years 1998 and 1999.

BACKGROUND AND NEEDS

CONTINUING NEED FOR USFA

The United States has one of the highest fire death rates in the industrialized world, and more Americans are killed and injured by fires each year than all other natural disasters combined. Fires account for approximately 4500 deaths and 30,000 injuries annually. Seventy-one (71) percent of those deaths are due to residential fires. Fire experts state that the two groups at the greatest risk are the elderly and young children.

There are more than two million fires reported each year with direct property losses totaling over \$8.5 billion and about \$50 billion in costs to taxpayers.

HISTORY OF USFA

Acting to halt these tragic losses and on the recommendations from the National Commission on Fire Prevention and Control's report entitled, "America Burning", in 1974 Congress passed P.L. 93-498, the Federal Fire Prevention and Control Act. The Act established the USFA and its National Fire Academy (NFA) within FEMA.

The mission of the USFA is to enhance the nation's fire prevention and control activities and thereby significantly reduce the nation's loss of life from fire while also achieving a reduction in property loss and nonfatal injury due to fire. The USFA's policy is to prepare federal, state, and local officials; their supporting staffs; emergency fire responders; volunteer groups; and the public to meet the responsibilities of domestic emergencies through planning, mitigation, preparedness, response, and recovery.

USFA funds a wide range of activities including collection, analysis, and dissemination of fire incidence and loss data; development and dissemination of public fire education materials; development and dissemination of better hazardous materials response information for first responders; and support for research and development for fire safety technologies. The USFA has responsibility for all fire and emergency medical programs within FEMA. The NFA develops and delivers off-campus and on-campus courses to fire service, rescue, and allied professionals. Educational and training programs are also provided through the National Emergency Training Center.

The efforts of the USFA are focused in four areas:

- Public education and awareness.
- Data collection and analysis.
- Fire service training.
- Technology and research, and firefighter health and safety.

Public education and awareness

The USFA seeks to identify the groups most at risk from fire. Once these groups are identified, efforts are focused to increased safety behaviors and reduce losses through public/private partnerships.

In addition to the traditional delivery systems, the USFA uses the Internet as a means to improve productivity. By use of the Internet, the resources of the USFA are shared on the FEMA homepage. The homepage has allowed public access to publications, training courses and other public education programs. For example, fire departments can download specialized arson programs and the NFA's training catalog.

The "Fire Stops With You" campaign provides fire safety and prevention information to the general public and also specific groups considered to be high risk. The USFA has combined elements of earlier campaigns into a comprehensive package of fact sheets and public service announcements (PSA) that target high-risk groups, including senior citizens and children. The fact sheets offer advice on promoting rural fire safety through stressing various prevention tips for high-risk populations. Since most fire deaths occur in the home, another set of fact sheets focuses on

home fire prevention with an emphasis on preventing electrical fires. A new part of the campaign will emphasize the value of buying and maintaining residential smoke detectors.

Either by accident or on purpose, children start over 100,000 fires per year. The USFA is developing a new USFA Kids Page. This homepage will address fire safety problems in the home. The interactive homepage will contain existing products, a game, audio and video files and a guide for parents and teachers. Visitors to this homepage will also be able to link to the FEMA homepage for safety information on earthquakes, tornadoes and floods.

Arsonists are responsible for over a half million fires every year. The USFA initiatives to address this crime include:

- Arson grants.

- A series of NFA training courses.

- Research and education with the Bureau of Alcohol, Tobacco and Firearms to train arson investigators.

- Technical support to fire investigations.

- Arson prevention information for the general public and targeted audiences.

- Computer-based management programs for arson units.

- Juvenile fire setter prevention workshops.

- Specialized publications for investigators.

On June 19, 1996, the President created the National Arson Prevention Initiative (NAPI) to identify and coordinate Federal resources to support grassroots arson prevention initiatives. The initiative is to be led by FEMA.

Data collection and analysis

By collecting data and analyzing national, state and local fire data, the USFA can identify specific problems and forecast trends. Leading causes of fires also are identified. The USFA uses this data to focus efforts in the areas that will make the most significant loss reductions.

The USFA publishes fire data on the national level through its National Fire Incident Reporting System (NFIRS). The NFIRS is the single largest collection of fire data in the world. It receives its information from local fire departments through participating state fire marshals. NFIRS represents the only centralized and uniform collection of fire data in the U.S.

The USFA is developing a new system which will be Internet-based. It will be a modular design, collecting data for all types of incidents in a basic module. Fire departments will be able to provide additional modules for fires, structure fires, wildland fires, hazardous materials incidents, firefighter and civilian casualties, apparatus and personnel.

Fire service training

The USFA's focus on terrorism is to prepare firefighters through training. Last year, the USFA sponsored a counter-terrorism training needs assessment symposium. Based on recommendations from the participants, the USFA initiated a plan for the development of four courses and one multi-incident exercise.

The NFA provides national leadership for fire and emergency medical services personnel, and allied professionals through edu-

cational and training opportunities. The Academy offers training and educational programs at the Emmitsburg, MD campus and at sites throughout the country. Courses are targeted to middle and upper level managers, fire services trainers, technical professionals, and allied professionals. The NFA trained 83,000 students in 1996 with a goal in the future of 300,000 per year. Many of the NFA courses have four applicants for each available slot.

Distance education is viewed as the wave of the future for reaching more fire and emergency management personnel. This allows students greater flexibility in when, where, and how they receive training.

Technology and research, and firefighter health and safety

The USFA has historically identified fire safety voids followed by corrective actions. After meeting with stakeholders from private industry, the fire service, and research organizations, it was agreed that the USFA would complete the needed research and then give the private industry the responsibility for product development and marketing of residential fire sprinklers.

In 1996, the USFA completed the final review of the chemical guide and the response format of the Hazardous Material Guide for First Responders. It is currently conducting a comprehensive test and evaluation of the Guide involving 2,000 first responders. Cost-effective options for distribution are being reviewed.

As required by the Hotel-Motel Fire Safety Act of 1990, the USFA promotes fire and life safety by collecting, maintaining and publishing the master list of hotels and motels in compliance with the 1974 Fire Act. Many federal travelers have realized the protection afforded by staying in hotels and motels with adequate fire protection.

Furthermore, the USFA has conducted research on improving protective clothing and equipment. They also offer information ranging from emergency vehicle operations to reports on major fire investigations. The USFA has conducted research on liquid fire extinguishing agents via an interagency agreement with the National Institute of Standards and Technology.

PROGRAM ISSUES

The USFA is in the process of allowing the National Fallen Firefighters Foundation to have a more significant role in the annual Fallen Firefighters Memorial service. The Foundation would be responsible for the direction, planning, and overall management of the ceremony. The Committee plans as part of its on-going oversight activities to review the relationship of the USFA and the National Fallen Firefighters Foundation. This review will include possible amendments to the enabling legislation of the Foundation.

Concerns have been raised that the USFA and NFA are "buried" within the FEMA organization structure, thus losing the stature and visibility as the federal fire focus envisioned in the "America Burning" report and P.L. 93-498. Additional concerns have been expressed about whether the USFA, which places a strong emphasis on prevention, can thrive within an agency that has been dedicated more to emergency response and disaster control.

LEGISLATIVE HISTORY

On June 25, 1997, the Subcommittee on Science, Technology, and Space held a hearing, chaired by Senator Frist, on USFA activities and the President's budget request. The Administrator of the USFA, the Honorable Carrye Brown, testified at the hearing.

On September 26, 1997, Senator Frist, Chairman of the Subcommittee on Science, Technology, and Space, introduced S.1231, a bill to authorize appropriations for the USFA for fiscal years 1998 and 1999 which was referred to the Committee on Commerce, Science, and Transportation. The bill is co-sponsored by Senator McCain, Senator Hollings and Senator Rockefeller.

On October 8, 1997, the Commerce Committee met in open executive session and, without objection, ordered S. 1231 to be reported without amendments.

SUMMARY OF MAJOR PROVISIONS

S. 1231, as reported, amends the Federal Fire Prevention and Control Act. Section 1 extends the authorization of appropriations through FY 1999. Specifically, the FY 1998 funding level for the USFA is \$29,664,000, a 3.5 percent increase over the President's request. The USFA is authorized to receive \$30,554,000 for FY 1999 which represents a 3 percent increase over the FY 1998 levels.

Section 8 of the legislation requests a report from the Administrator of the USFA on the risks to firefighters in suppressing fires caused by burning tires. The report should include an assessment of any unique risks attributable to these types of fires, any special training needed by firefighters, and whether the USFA can provide this specialized training.

ESTIMATED COSTS

In accordance with paragraph 11(a) of rule XXVI of the Standing Rules of the Senate and section 403 of the Congressional Budget Act of 1974, the Committee provides the following cost estimate, prepared by the Congressional Budget Office:

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, October 29, 1997.

Hon. JOHN MCCAIN,
Chairman, Committee on Commerce, Science, and Transportation,
U.S. Senate, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for S. 1231, the U.S. Fire Administration Authorization Act for Fiscal Years 1998 and 1999.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is Kristen Layman.

Sincerely,

JUNE E. O'NEILL, *Director.*

Enclosure.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

S. 1231—United States Fire Administration Authorization Act for Fiscal Years 1998 and 1999

Summary: S. 1231 would extend and increase the authorization of appropriations for the United States Fire Administration (USFA). The bill would authorize appropriations of about \$30 million for fiscal year 1998 and \$31 million for fiscal year 1999 for the programs, salaries, and expenses of the USFA. In addition, the bill would amend the Federal Fire Prevention and Control Act of 1974 to ensure that all references to the National Fire Protection Association standards are updated as changes to these standards are made. Finally, S. 1231 would require the USFA to compile two reports—one to describe USFA donations of educational equipment to schools and another to examine the risks that firefighters face in suppressing fires caused by burning tires.

Assuming appropriation of the amounts authorized for 1998 and 1999, CBO estimates that implementing the bill would result in new discretionary spending of approximately \$60 million over the 1998–2002 period. Of that total, \$29 million has already been appropriated for 1998.

The legislation would not affect direct spending or receipts; therefore, pay-as-you-go procedures would not apply. S. 1231 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act of 1995 (UMRA) and would have no impact on the budgets of state, local, or tribal governments.

Estimated cost to the Federal Government: For the purposes of this estimate, CBO assumes that the authorized amounts will be appropriated each year and that spending will occur at historical rates for the USFA. (For 1998, \$29 million of the \$30 million authorization has already been provided by Public Law 105–65.) The estimated budgetary impact of S. 1231 is shown in the following table. The costs of this legislation fall within budget function 450 (community and regional development).

[By fiscal year, in millions of dollars]

	1997	1998	1999	2000	2001	2002
SPENDING SUBJECT TO APPROPRIATION						
USFA spending under current law:						
Budget authority ¹	31	29	0	0	0	0
Estimated outlays	29	30	14	4	1	0
Proposed changes:						
Authorization level	0	1	31	0	0	0
Estimated outlays	0	0	19	7	4	1
USFA spending under S. 1231:						
Authorization level ¹	31	30	31	0	0	0
Estimated outlays	29	30	33	11	5	1

¹ The 1997 and 1998 levels are the amounts appropriated for those years.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: S. 1231 contains no intergovernmental or private-sector mandates as defined in UMRA and would have no impact on the budgets of state, local, or tribal governments.

Estimate prepared by: Kristen Layman.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

REGULATORY IMPACT STATEMENT

In accordance with paragraph 11(b) of Rule XXVI of the Standing Rules of the Senate, the Committee provides the following evaluation of the regulatory impact of the legislation, as reported.

NUMBER OF PERSONS COVERED

S. 1231, as reported, reauthorizes appropriations for the USFA for fiscal years 1998 and 1999. The USFA mission is to enhance the nation's fire prevention and control activities thereby significantly reducing the nation's loss of life while also achieving a reduction in property loss and nonfatal injury due to fire. The bill adds the latest versions of the National Fire Protection Standards to existing statutes. The result of continual funding for USFA may help to reduce the number of persons injured or killed by fires.

ECONOMIC IMPACT

Providing for continual funding should mitigate loss of lives and property and associated private and Federal costs due to fires. The Committee believes that the bill will not subject any individuals or businesses affected by the bill to additional regulation.

PRIVACY

This legislation will not have an adverse impact on the personal privacy of individuals.

PAPERWORK

This legislation requires the Administrator of the USFA to submit a report to the Committee on Commerce, Science and Transportation of the Senate and the Committee on Science of the House of Representatives that examines the risks to firefighters in suppressing fires caused by burning tires, addresses any associated risks, identifies special training needs for firefighters, and addresses how the USFA can provide the necessary training identified. The legislation also requires the President to submit to Congress a report of any educationally useful equipment that has been donated to schools.

SECTION-BY-SECTION ANALYSIS

SECTION 1.—SHORT TITLE

This section cites the short title of the reported bill as the "United States Fire Administration Authorization Act for Fiscal Years 1998 and 1999."

SECTION 2. AUTHORIZATION OF APPROPRIATIONS

This section would extend the authorization for the USFA a total of \$29,664,000 for fiscal year 1998 and a total of \$30,544,000 for fiscal year 1999 for the programs and activities under the Federal Fire Prevention and Control Act of 1974. These programs and activities include: collection, analysis, and dissemination of fire inci-

dence and loss data; development and dissemination of public fire education materials; development and dissemination of better hazardous materials response information for first responders; support for research and development for fire safety technologies; and administration of the NFA, located in Emmitsburg, MD.

SECTION 3.—SUCCESSOR FIRE SAFETY STANDARDS

This section would amend Section 29 of the Federal Fire Prevention and Control Act of 1974 to update the National Fire Protection Standards which are no longer current or have been given new designations.

SECTION 4.—TERMINATION OR PRIVATIZATION OF FUNCTIONS

Section 4 would require the Administrator to inform Congress 60 days in advance of an effort to terminate or privatize any significant function of the USFA. Subsection (b) of this section would define a significant function as any function that requires the expenditure of more than five percent of the annually appropriated funds or the termination of more than five percent of the employees of the USFA.

SECTION 5.—NOTICE

Section 5 would require notice to the Committee of reprogramming and reorganization. Specifically subsection (b) of this section would require notice of any reprogramming in which notice is given to the Appropriations Committees of the Senate and House of Representatives to be concurrently provided to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House. Subsection (c) would require the Administrator to notify the Appropriations Committees of the Senate and the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of any major reorganization that is being prepared for any program, project, or activity of the USFA. Such notice would be required no later than 15 days prior to any action.

SECTION 6.—SENSE OF CONGRESS ON THE YEAR 2000 PROBLEM

This section expresses the sense of the Congress that the USFA should give high priority to correcting the Year 2000 problem in all USFA computer systems to ensure effective operation in the year 2000 and beyond. The USFA needs to assess immediately the risk of the problem upon their systems and develop a plan and a budget to correct the problem for its mission-critical programs. The USFA also needs to begin consideration of contingency plans, in the event that certain systems are unable to be corrected in time.

SECTION 7.—ENHANCEMENT OF SCIENCE AND MATHEMATICS PROGRAMS

This section expresses the sense of the Congress that the Administrator should donate educationally useful material to schools such that they may be used to enhance the science and mathematics programs at those schools. School is defined as a public or private

educational institution that serves any of the grades of kindergarten through grade 12. Furthermore, the Administrator shall also report to the President any donations of federal equipment made to schools. The President shall include this report as part of the annual budget request to Congress.

SECTION 8.—REPORT TO CONGRESS

Section 8 would require the Administrator to report on the risks to firefighters of fighting fires due to burning tires within 180 days of enactment of this Act. The report should address any unique risks such as exposure to toxic substances, personal protection, duration of fires, and any site hazards associated with these type of fires. The report should identify any special training that may be needed by firefighters and an assessment of how this training may be provided by the USFA. The Administrator would be required to submit the report to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science of the House of Representatives.

CHANGES IN EXISTING LAW

In compliance with paragraph 12 of rule XXVI of the Standing Rules of the Senate, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new material is printed in *italic*, existing law in which no change is proposed is shown in roman):

FEDERAL FIRE PREVENTION AND CONTROL ACT OF 1974

AUTHORIZATION OF APPROPRIATIONS

SEC. 17. (a) There are authorized to be appropriated to carry out the foregoing provisions of this Act, except as otherwise specifically provided, with respect to the payment of claims, under section 11 of this Act, an amount not to exceed \$25,210,000 for the fiscal year ending September 30, 1980, which amount includes—

(1) \$4,781,000 for programs which are recommended in the report submitted to the Congress by the Administrator pursuant to section 24(b)(1);

(2) \$9,430,000 for the National Academy for Fire Prevention and Control;

(3) \$307,000 for adjustments required by law in salaries, pay, retirement, and employee benefits;

(4) \$500,000 for additional rural firefighting technical assistance and information activities;

(5) \$500,000 for the study required by section 26 of this Act; and

(6) \$110,000 for the study required by section 27 of this Act.

(b) There are authorized to be appropriated for the additional administrative expenses of the Federal Emergency Management Agency, which are related to this Act and which result from Reorganization Plan Numbered 3 of 1978 (submitted June 19, 1978) and related Executive orders, an amount not to exceed \$600,000 for the fiscal year ending September 30, 1980.

(c) There are authorized to be appropriated to carry out this Act, except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, an amount not to exceed \$23,814,000 for the fiscal year ending September 30, 1981, which amount includes—

(1) not less than \$1,100,000 for the first year of a three-year concentrated demonstration program of fire prevention and control in two States with high fire death rates;

(2) not less than \$2,575,000 for rural fire prevention and control; and

(3) not less than \$4,255,000 for research and development for the activities under section 18 of this Act at the Fire Research Center of the National Bureau of Standards, of which not less than \$250,000 shall be available for adjustments required by law in salaries, pay, retirement, and employee benefits.

The funds authorized in paragraph (3) shall be in addition to funds authorized in any other law for research and development at the Fire Research Center.

(d) Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, to carry out the purposes of this Act, there are authorized to be appropriated—

(1) \$20,815,000 for the fiscal year ending September 30, 1982, and \$23,312,800 for the fiscal year ending September 30, 1983, which amount shall include—

(A) such sums as may be necessary for the support of research and development at the Fire Research Center of the National Bureau of Standards under section 18 of this Act, which sums shall be in addition to those funds authorized to be appropriated under the National Bureau of Standards Authorization Act for fiscal years 1981 and 1982; and

(B) \$654,000 for the fiscal year ending September 30, 1982, and \$732,480 for the fiscal year ending September 30, 1983, for executive direction by the Federal Emergency Management Agency of program activities for which appropriations are authorized by this subsection; and

(2) such further sums as may be necessary in each of the fiscal years ending September 30, 1982, and September 30, 1983, for adjustments required by law in salaries, pay, retirement, and employee benefits incurred in the conduct of activities for which funds are authorized by paragraph (1) of this subsection.

The funds authorized under section 18 shall be in addition to funds authorized in any other law for research and development at the Fire Research Center of the National Bureau of Standards.

(e) Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, to carry out the purposes of this Act, there are authorized to be appropriated—

(1) \$15,720,000 for the fiscal year ending September 30, 1984, and \$20,983,000 for the fiscal year ending September 30, 1985; and

(2) such further sums as may be necessary in each of the fiscal years ending September 30, 1984, and September 30, 1985, for adjustments required by law in salaries, pay, retirement, and employee benefits incurred in the conduct of activities for which funds are authorized by paragraph (1) of this subsection.

The funds authorized under this subsection shall be in addition to funds authorized in any other law for research and development at the Fire Research Center of the National Bureau of Standards.

(f) Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, to carry out the purposes of this Act, there are authorized to be appropriated \$22,037,000 for the fiscal year ending September 30, 1986 and \$18,300,000 for the fiscal year ending September 30, 1987.

(g)(1) Except as otherwise specifically provided with respect to the payment of claims under section 11 of this Act, there are authorized to be appropriated to carry out the purposes of this Act—

(A) \$17,039,000 for the fiscal year ending September 30, 1989;

(B) \$17,737,000 for the fiscal year ending September 30, 1990;

(C) \$18,464,000 for the fiscal year ending September 30, 1991;

(D) \$25,550,000 for the fiscal year ending September 30, 1992;

(E) \$26,521,000 for the fiscal year ending September 30, 1993; **[and]**

(F) \$27,529,000 for the fiscal year ending September 30, **[1994.]** 1994;

(G) *\$29,664,000 for the fiscal year ending September 30, 1998; and*

(H) *\$30,554,000 for the fiscal year ending September 30, 1999.*

(2) Of the amounts referred to in paragraph (1), not more than \$4,150,000 is authorized to be appropriated for each fiscal year for National Emergency Training Center site administration.

(h) In addition to any other amounts that are authorized to be appropriated to carry out this Act, there are authorized to be appropriated to carry out this Act—

(1) \$500,000 for fiscal year 1995 for basic research on the development of an advanced course on arson prevention;

(2) \$2,000,000 for fiscal year 1996 for the expansion of arson investigator training programs at the Academy under section 24 and at the Federal Law Enforcement Training Center, or through regional delivery sites;

(3) \$4,000,000 for each of fiscal years 1995 and 1996 for carrying out section 25, except for salaries and expenses for carrying out section 25; and

(4) \$250,000 for each of the fiscal years 1995 and 1996 for salaries and expenses for carrying out section 25.

FIRE PREVENTION AND CONTROL GUIDELINES FOR PLACES OF PUBLIC ACCOMMODATION

SEC. 29. (a) CONTENTS OF GUIDELINES.—The guidelines referred to in sections 28 and 30 consist of—

(1) a requirement that hard-wired, single-station smoke detectors be installed in accordance with National Fire Protection Association Standard **[74]** 74, *or any successor standard to that standard*, in each guest room in each place of public accommodation affecting commerce; and

(2) a requirement that an automatic sprinkler system be installed in accordance with National Fire Protection Association Standard 13 or 13-R, *or any successor standard to that standard*, whichever is appropriate, in each place of public accommodation affecting commerce except those places that are 3 stories or lower.

(b) EXCEPTIONS.—

(1) The requirement described in subsection (a)(2) shall not apply to a place of public accommodation affecting commerce with an automatic sprinkler system installed before October 25, 1992, if the automatic sprinkler system is installed in compliance with an applicable standard (adopted by the governmental authority having jurisdiction, and in effect, at the time of installation) that required the placement of a sprinkler head in the sleeping area of each guest room.

(2) The requirement described in subsection (a)(2) shall not apply to a place of public accommodation affecting commerce to the extent that such place of public accommodation affecting commerce is subject to a standard that includes a requirement or prohibition that prevents compliance with a provision of National Fire Protection Association Standard 13 or [13-R.] 13-R, *or any successor standard to that standard*. In such a case, the place of public accommodation affecting commerce is exempt only from that specific provision.

(c) EFFECT ON STATE AND LOCAL LAW.—The provisions of this section shall not be construed to limit the power of any State or political subdivision thereof to implement or enforce any law, rule, regulation, or standard concerning fire prevention and control.

(d) DEFINITIONS.—For purposes of this section, the following definitions shall apply:

(1) The term “smoke detector” means an alarm that is designed to respond to the presence of visible or invisible particles of combustion.

(2) The term “automatic sprinkler system” means an electronically supervised, integrated system of piping to which sprinklers are attached in a systematic pattern, and which, when activated by heat from a fire, will protect human lives by discharging water over the fire area, and by providing appropriate warning signals (to the extent such signals are required by Federal, State, or local laws or regulations) through the building’s fire alarm system.

(3) The term “governmental authority having jurisdiction” means the Federal, State, local, or other governmental entity with statutory or regulatory authority for the approval of fire safety systems, equipment, installations, or procedures within a specified locality.

FIRE SAFETY SYSTEMS IN FEDERALLY ASSISTED BUILDINGS

SEC. 31. (a) DEFINITIONS.—For purposes of this section, the following definitions apply:

(1) The term “affordable cost” means the cost to a Federal agency of leasing office space in a building that is protected by an automatic sprinkler system or equivalent level of safety, which cost is no more than 10 percent greater than the cost of

leasing available comparable office space in a building that is not so protected.

(2) The term “automatic sprinkler system” means an electronically supervised, integrated system of piping to which sprinklers are attached in a systematic pattern, and which, when activated by heat from a fire—

(A) will protect human lives by discharging water over the fire area, in accordance with the National Fire Protection Association Standard 13, 13D, or 13R, whichever is appropriate for the type of building and occupancy being protected, or any successor standard thereto; and

(B) includes an alarm signaling system with appropriate warning signals (to the extent such alarm systems and warning signals are required by Federal, State, or local laws or regulations) installed in accordance with the National Fire Protection Association Standard 72, or any successor standard thereto.

(3) The term “equivalent level of safety” means an alternative design or system (which may include automatic sprinkler systems), based upon fire protection engineering analysis, which achieves a level of safety equal to or greater than that provided by automatic sprinkler systems.

(4) The term “Federal employee office building” means any office building in the United States, whether owned or leased by the Federal Government, that is regularly occupied by more than 25 full-time Federal employees in the course of their employment.

(5) The term “housing assistance”—

(A) means assistance provided by the Federal Government to be used in connection with the provision of housing, that is provided in the form of a grant, contract, loan, loan guarantee, cooperative agreement, interest subsidy, insurance, or direct appropriation; and

(B) does not include assistance provided by the Secretary of Veterans Affairs; the Federal Emergency Management Agency; the Secretary of Housing and Urban Development under the single family mortgage insurance programs under the National Housing Act or the homeownership assistance program under section 235 of such Act; the National Homeownership Trust; the Federal Deposit Insurance Corporation under the affordable housing program under section 40 of the Federal Deposit Insurance Act; or the Resolution Trust Corporation under the affordable housing program under section 21A(c) of the Federal Home Loan Bank Act.

(6) The term “hazardous areas” means those areas in a building referred to as hazardous areas in National Fire Protection Association Standard 101, known as the Life Safety Code, or any successor standard thereto.

(7) The term “multifamily property” means—

(A) in the case of housing for Federal employees or their dependents, a residential building consisting of more than 2 residential units that are under one roof; and

(B) in any other case, a residential building consisting of more than 4 residential units that are under one roof.

(8) The term “prefire plan” means specific plans for fire fighting activities at a property or location.

(9) The term “rebuilding” means the repairing or reconstructing of portions of a multifamily property where the cost of the alterations is 70 percent or more of the replacement cost of the completed multifamily property, not including the value of the land on which the multifamily property is located.

(10) The term “renovated” means the repairing or reconstructing of 50 percent or more of the current value of a Federal employee office building, not including the value of the land on which the Federal employee office building is located.

(11) The term “smoke detectors” means single or multiple station, self-contained alarm devices designed to respond to the presence of visible or invisible particles of combustion, installed in accordance with the National Fire Protection Association Standard 74 or any successor standard thereto.

(12) The term “United States” means the States collectively.

(b) FEDERAL EMPLOYEE OFFICE BUILDINGS.—

(1) (A) No Federal funds may be used for the construction or purchase of a Federal employee office building of 6 or more stories unless during the period of occupancy by Federal employees the building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for the construction or purchase of any other Federal employee office building unless during the period of occupancy by Federal employees the hazardous areas of the building are protected by automatic sprinkler systems or an equivalent level of safety.

(B) (i) Except as provided in clause (ii), no Federal funds may be used for the lease of a Federal employee office building of 6 or more stories, where at least some portion of the federally leased space is on the sixth floor or above and at least 35,000 square feet of space is federally occupied, unless during the period of occupancy by Federal employees the entire Federal employee office building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for the lease of any other Federal employee office building unless during the period of occupancy by Federal employees the hazardous areas of the entire Federal employee office building are protected by automatic sprinkler systems or an equivalent level of safety.

(ii) The first sentence of clause (i) shall not apply to the lease of a building the construction of which is completed before the date of enactment of this section if the leasing agency certifies that no suitable building with automatic sprinkler systems or an equivalent level of safety is available at an affordable cost.

(iii) [Deleted]

(2) Paragraph (1) shall not apply to—

(A) a Federal employee office building that was owned by the Federal Government before the date of enactment of this section;

(B) space leased in a Federal employee office building if the space was leased by the Federal Government before such date of enactment;

(C) space leased on a temporary basis for not longer than 6 months;

(D) a Federal employee office building that becomes a Federal employee office building pursuant to a commitment to move Federal employees into the building that is made prior to such date of enactment; or

(E) a Federal employee office building that is owned or managed by the Resolution Trust Corporation.

Nothing in this subsection shall require the installation of an automatic sprinkler system or equivalent level of safety by reason of the leasing, after such date of enactment, of space below the sixth floor in a Federal employee office building.

(3) No Federal funds may be used for the renovation of a Federal employee office building of 6 or more stories that is owned by the Federal Government unless after that renovation the Federal employee office building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for the renovation of any other Federal employee office building that is owned by the Federal Government unless after that renovation the hazardous areas of the Federal employee office building are protected by automatic sprinkler systems or an equivalent level of safety.

(4) No Federal funds may be used for entering into or renewing a lease of a Federal employee office building of 6 or more stories that is renovated after the date of enactment of this section, where at least some portion of the federally leased space is on the sixth floor or above and at least 35,000 square feet of space is federally occupied, unless after that renovation the Federal employee office building is protected by an automatic sprinkler system or equivalent level of safety. No Federal funds may be used for entering into or renewing a lease of any other Federal employee office building that is renovated after such date of enactment of this section, unless after that renovation the hazardous areas of the Federal employee office building are protected by automatic sprinkler systems or an equivalent level of safety.

(c) HOUSING.—

(1) (A) Except as otherwise provided in this paragraph, no Federal funds may be used for the construction, purchase, lease, or operation by the Federal Government of housing in the United States for Federal employees or their dependents unless—

(i) in the case of a multifamily property acquired or rebuilt by the Federal Government after the date of enactment of this section, the housing is protected, before occupancy by Federal employees or their dependents, by an automatic sprinkler system (or equivalent level of safety) and hard-wired smoke detectors; and

(ii) in the case of any other housing, the housing, before—

(I) occupancy by the first Federal employees (or their dependents) who do not occupy such housing as of such date of enactment; or

(II) the expiration of 3 years after such date of enactment,

whichever occurs first, is protected by hard-wired smoke detectors.

(B) Nothing in this paragraph shall be construed to supersede any guidelines or requirements applicable to housing for Federal employees that call for a higher level of fire safety protection than is required under this paragraph.

(C) Housing covered by this paragraph that does not have an adequate and reliable electrical system shall not be subject to the requirement under subparagraph (A) for protection by hard-wired smoke detectors, but shall be protected by battery operated smoke detectors.

(D) If funding has been programmed or designated for the demolition of housing covered by this paragraph, such housing shall not be subject to the fire protection requirements of subparagraph (A), but shall be protected by battery operated smoke detectors.

(2) (A) (i) Housing assistance may not be used in connection with any newly constructed multifamily property, unless after the new construction the multifamily property is protected by an automatic sprinkler system and hard-wired smoke detectors.

(ii) For purposes of clause (i), the term “newly constructed multifamily property” means a multifamily property of 4 or more stories above ground level—

(I) that is newly constructed after the date of enactment of this section; and

(II) for which (a) housing assistance is used for such new construction, or (b) a binding commitment is made, before commencement of such construction, to provide housing assistance for the newly constructed property.

(iii) Clause (i) shall not apply to any multifamily property for which, before such date of enactment, a binding commitment is made to provide housing assistance for the new construction of the property or for the newly constructed property.

(B) (i) Except as provided in clause (ii), housing assistance may not be used in connection with any rebuilt multifamily property, unless after the rebuilding the multifamily property complies with the chapter on existing apartment buildings of National Fire Protection Association Standard 101 (known as the Life Safety Code), *or any successor standard to that standard*, as in effect at the earlier of (I) the time of any approval by the Department of Housing and Urban Development of the specific plan or budget for rebuilding, or (II) the time that a binding commitment is made to provide housing assistance for the rebuilt property.

(ii) If any rebuilt multifamily property is subject to, and in compliance with, any provision of a State or local fire safety standard or code that prevents compliance with a specific provision of National Fire Protection Association Standard 101, *or*

any successor standard to that standard, the requirement under clause (i) shall not apply with respect to such specific provision.

(iii) For purposes of this subparagraph, the term “rebuilt multifamily property” means a multifamily property of 4 or more stories above ground level—

(I) that is rebuilt after the last day of the second fiscal year that ends after the date of enactment of this section; and

(II) for which (a) housing assistance is used for such rebuilding, or (b) a binding commitment is made, before commencement of such rebuilding, to provide housing assistance for the rebuilt property.

(C) After the expiration of the 180-day period beginning on the date of enactment of this section, housing assistance may not be used in connection with any other dwelling unit, unless the unit is protected by a hard-wired or battery-operated smoke detector. For purposes of this subparagraph, housing assistance shall be considered to be used in connection with a particular dwelling unit only if such assistance is provided (i) for the particular unit, in the case of assistance provided on a unit-by-unit basis, or (ii) for the multifamily property in which the unit is located, in the case of assistance provided on a structure-by-structure basis.

(d) REGULATIONS.—The Administrator of General Services, in cooperation with the United States Fire Administration, the National Institute of Standards and Technology, and the Department of Defense, within 2 years after the date of enactment of this section, shall promulgate regulations to further define the term “equivalent level of safety”, and shall, to the extent practicable, base those regulations on nationally recognized codes.

(e) STATE AND LOCAL AUTHORITY NOT LIMITED.—Nothing in this section shall be construed to limit the power of any State or political subdivision thereof to implement or enforce any law, rule, regulation, or standard that establishes requirements concerning fire prevention and control. Nothing in this section shall be construed to reduce fire resistance requirements which otherwise would have been required.

(f) PREFIRE PLAN.—The head of any Federal agency that owns, leases, or operates a building or housing unit with Federal funds shall invite the local agency or voluntary organization having responsibility for fire protection in the jurisdiction where the building or housing unit is located to prepare, and biennially review, a prefire plan for the building or housing unit.

(g) REPORTS TO CONGRESS.—

(1) Within 3 years after the date of enactment of this section, and every 3 years thereafter, the Administrator of General Services shall transmit to Congress a report on the level of fire safety in Federal employee office buildings subject to fire safety requirements under this section. Such report shall contain a description of such buildings for each Federal agency.

(2) Within 10 years after the date of enactment of this section, each Federal agency providing housing to Federal employees or housing assistance shall submit a report to Congress on

the progress of that agency in implementing subsection (c) and on plans for continuing such implementation.

(3) (A) The National Institute of Standards and Technology shall conduct a study and submit a report to Congress on the use, in combination, of fire detection systems, fire suppression systems, and compartmentation. Such study shall—

(i) quantify performance and reliability for fire detection systems, fire suppression systems, and compartmentation, including a field assessment of performance and determination of conditions under which a reduction or elimination of 1 or more of those systems would result in an unacceptable risk of fire loss; and

(ii) include a comparative analysis and compartmentation using fire resistive materials and compartmentation using noncombustible materials.

(B) The National Institute of Standards and Technology shall obtain funding from non-Federal sources in an amount equal to 25 percent of the cost of the study required by subparagraph (A). Funding for the National Institute of Standards and Technology for carrying out such study shall be derived from amounts otherwise authorized to be appropriated, for the Building and Fire Research Center at the National Institute of Standards and Technology, not to exceed \$750,000. The study shall commence until receipt of all matching funds from non-Federal sources. The scope and extent of the study shall be determined by the level of project funding. The Institute shall submit a report to Congress on the study within 30 months after the date of enactment of this section.

(h) RELATION TO OTHER REQUIREMENTS.—In the implementation of this section, the process for meeting space needs in urban areas shall continue to give first consideration to a centralized community business area and adjacent areas of similar character to the extent of any Federal requirement therefor.

